

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

The Majestic Star Casino, LLC,)	
et al.)	CASE NUMBER: 1: 07-cv-02474
)	Judge Gettleman
)	Magistrate Judge Valdez
Plaintiff,)	
)	
v.)	
)	
Trustmark Insurance Company)	
and RMTS, LLC,)	
)	
Defendants.)	

JOINT MOTION FOR 90-DAY ENLARGEMENT OF DISCOVERY PERIOD

The Parties hereby jointly request a 90-day extension of the discovery period currently set to expire on December 18, 2008, and state the following in support of their request:

1. On October 23, 2008, a non-party witness gave deposition testimony which gave rise to what Defendants believe are new grounds supporting their denial of certain stop loss insurance claims which are at issue in this litigation. This new issue is the subject of pending discovery requests to Plaintiffs, which Plaintiffs believe will require significant time and effort to answer. The difficulties in procuring the requested information and materials (according to Plaintiffs) are more fully outlined in Plaintiffs' Motion for Enlargement of Time to Respond to Discovery.

2. The "new" issues involve the dates on which Plaintiffs "paid" many of the underlying health claims for which stop loss reimbursement is sought in this action. Defendants believe Plaintiffs may not have "paid" (as that term is used in the stop loss contracts) certain claims within a required time frame. The factual resolution of this question requires reviewing banking and other records of four separate entities for a period of at least three years.

3. The resolution of this new issue is particularly relevant to the settlement posture of this case. The parties mediated this case on November 19 in Las Vegas, and settlement discussions have continued since that time with the assistance of the mediator, Craig Hoppe (of Las Vegas).

4. This Motion is not brought for the purpose of delaying the progress of this action, but rather to allow adequate time to investigate the issues recently raised in discovery, and more importantly, to try to resolve the case via settlement.

WHEREFORE, the Parties respectfully request a 90-day enlargement of the discovery period, and all further relief deemed proper.

Dated: December 11, 2008

Respectfully submitted,

THE MAJESTIC STAR CASINO, LLC

By: s/ Michael C. Steele

**TRUSTMARK INSURANCE COMPANY AND
RMTS, LLC**

By: s/ William A. Chittenden III

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